

COURTNEY GAVIN

v.

GILLES FECTEAU et al.

Submitted on Briefs January 10, 2005

Decided February 23, 2005

Panel: CLIFFORD, RUDMAN, DANA, ALEXANDER, CALKINS, and
LEVY, JJ.

MEMORANDUM OF DECISION

Courtney Gavin appeals from a judgment of the District Court (Springvale, *Fritzsche, J.*) defining the property boundary he shares with Gilles and Lorraine Fecteau and ordering him to pay damages for a fence he removed. Contrary to Gavin's assertions, the court did not err or commit an unsustainable exercise of discretion by (1) excluding as hearsay a utility pole placement record that failed to qualify for admission under M.R. Evid. 803(6), M.R. Evid. 902(11), and the other rules relied on by Gavin, *see Dolliver v. Dolliver*, 2001 ME 144, ¶¶ 10-12, 782 A.2d 316, 317-18; (2) admitting a written summary of the receipts and cost estimates for property damage, *see* M.R. Evid. 1006; (3) considering other deeds in

the chain of title in concluding that the Fecteauss' deed contains a latent ambiguity, *see Hathaway v. Rancourt*, 409 A.2d 209, 213 (Me. 1979); and (4) determining the significance to attach to the evidence presented, *see Jenkins, Inc. v. Walsh Bros., Inc.*, 2001 ME 98, ¶ 18, 776 A.2d 1229, 1235-36.

The entry is:

Judgment affirmed.

For plaintiff:

Courtney J. Gavin
1939 Milton Mills Road
Acton, ME 04001

Attorney for defendant:

Peter D. Faulkner, Esq.
P O Box 1167
Sanford, ME 04073